

ORDINANCE NO: 2009-10

FILED  
CITY CLERK

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF  
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN  
REAL ESTATE, FROM R3 TO PDNR

2009 JUN 25 P 12:42

CINDY MURRAY

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,  
TIPPECANOE COUNTY, INDIANA:

Section I. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and part of the Municipal Code of Lafayette, Indiana, is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to wit:

(See legal description attached hereto)

Section II. The real estate described above should be and the same is hereby rezoned from R3 to PDNR.

Section III. This ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,  
INDIANA THIS 6 DAY OF July 2009.

Steven P. Meyer  
Steven P. Meyer, Presiding Officer

ATTEST:  
Cindy Murray  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the 6 day of  
July, 2009

Cindy Murray  
Cindy Murray, City Clerk

This Ordinance approved and signed by me on the 6 day of July 2009.

Tony Roswarski  
Tony Roswarski, Mayor

ATTEST;  
Cindy Murray  
Cindy Murray, City Clerk

**Land Description**  
**CVS Tract**  
**April 23, 2009**

All of Lots 1-14, portions of Lots 15 & 16 and an east/west alley an in Pampell's Addition to the City of Lafayette, Indiana, located in the Northwest Quarter of Section 21, Township 23 Range 4 West in Fairfield Township, Tippecanoe County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Lot 1 in said Pampell's Addition, said point being the POINT OF BEGINNING of this description; thence North 01 degrees 20 minutes 09 seconds West (assumed bearing) 183.13 feet along the western line of Lot 1 and Lot 16 to a point on the west line of Lot 16; thence North 89 degrees 48 minutes 29 seconds East 44.89 feet to the east line of Lot 16 in Pampell's Addition; thence South 01 degrees 20 minutes 09 seconds East along the east line of said Lot 16 to the north line of a 12' wide east/west alley in said Pampell's Addition and the Southeast Corner of Lot 16 in said Pampell's Addition; thence South 89 degrees 56 minutes 12 seconds East 29.92 feet along the north line of said alley to the Southeast Corner of Lot 15 in said Pampell's Addition; thence North 01 degrees 20 minutes 09 seconds West along the east line of said Lot 15 126.60 feet to the Northeast Corner of said Lot 15; thence North 89 degrees 55 minutes 56 seconds East 280.35 feet along the northern line of Lots 14 through 9 to a point 4 feet west of the northeast corner of Lot 9; thence South 01 degrees 20 minutes 09 seconds East 266.48 feet parallel and 4 feet west of the eastern line of Lots 9&8 to a point 4 feet west of the southeast corner of Lot 8; thence North 89 degrees 48 minutes 20 seconds West 355.21 feet along the southern line of Lots 8 through 1 to the POINT OF BEGINNING, containing 1.995 acres, more or less.

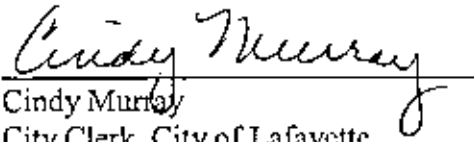


*Certificate*

STATE OF INDIANA                    )  
  )  
COUNTY OF TIPPECANOE        ) SS:  
  )  
CITY OF LAFAYETTE                )

This is to certify that the Common Council of the City of Lafayette did pass  
Ordinance 2009-10 at their regular meeting on the 6th day of July 2009  
The vote was 5 ayes and 2 nays.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LAFAYETTE, INDIANA  
ON THIS 6th DAY OF July 2009.

  
Cindy Murray  
City Clerk, City of Lafayette

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242  
(765) 423-9154 [FAX]  
[www.tippecanoe.in.gov/apc](http://www.tippecanoe.in.gov/apc)

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

June 18, 2009  
Ref. No.: 09-179

Lafayette City Council  
20 North 6<sup>th</sup> Street  
Lafayette, IN 47901

## CERTIFICATION

RE: **Z-2405—GB INDIANA 2, LLC (CVS at 18<sup>th</sup> & Salem PD) (R3 to PDNR):**  
Petitioner, represented by Bryan T. Foxworthy, is requesting PDNR zoning on approximately 1.995 acres to allow construction of a 12,900 square foot CVS Pharmacy retail building with a 70-space surface parking lot. The property is located on a block bounded by Salem Street, Union Street, 17<sup>th</sup> Street and 18<sup>th</sup> Street in Lafayette 21 (NW) 23-4.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 17, 2009 the Area Plan Commission of Tippecanoe County voted 11 yes - 1 no on the motion to rezone the subject real estate from R3 to PDNR. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette City Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate surety submitted with final detailed plans;
5. Plant schedule approved by the City of Lafayette;
6. A "No Vehicular Access" statement platted along the street rights-of-way lines except drives shown and approved by the City Engineers;
7. Inclusion of updated building elevations showing all four sides, per the City's request;

**Restrictive Covenants** – The following items shall be part of the planned development's covenants made enforceable by the Area Plan Commission and irrevocable by the lot owners:

- ~~8. All content displayed on LED signage must remain static for a minute before it can change.~~

The Commission also voted unanimously to change Condition #8 to read as follows:

8. The LED sign be allowed to change its message no more frequently than permitted by the ordinance for any other LED or animated sign, as amended or modified in the *Unified Zoning Ordinance*"

Public Notice has been given that this petition will be heard before the Lafayette Common Council at its July 6, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey  
Executive Director

SDF/tmu

Enclosures: Staff Report & Ordinances

cc: GB Indiana 2  
Joseph Bumbleburg  
Jenny Milner, Lafayette City Engineer

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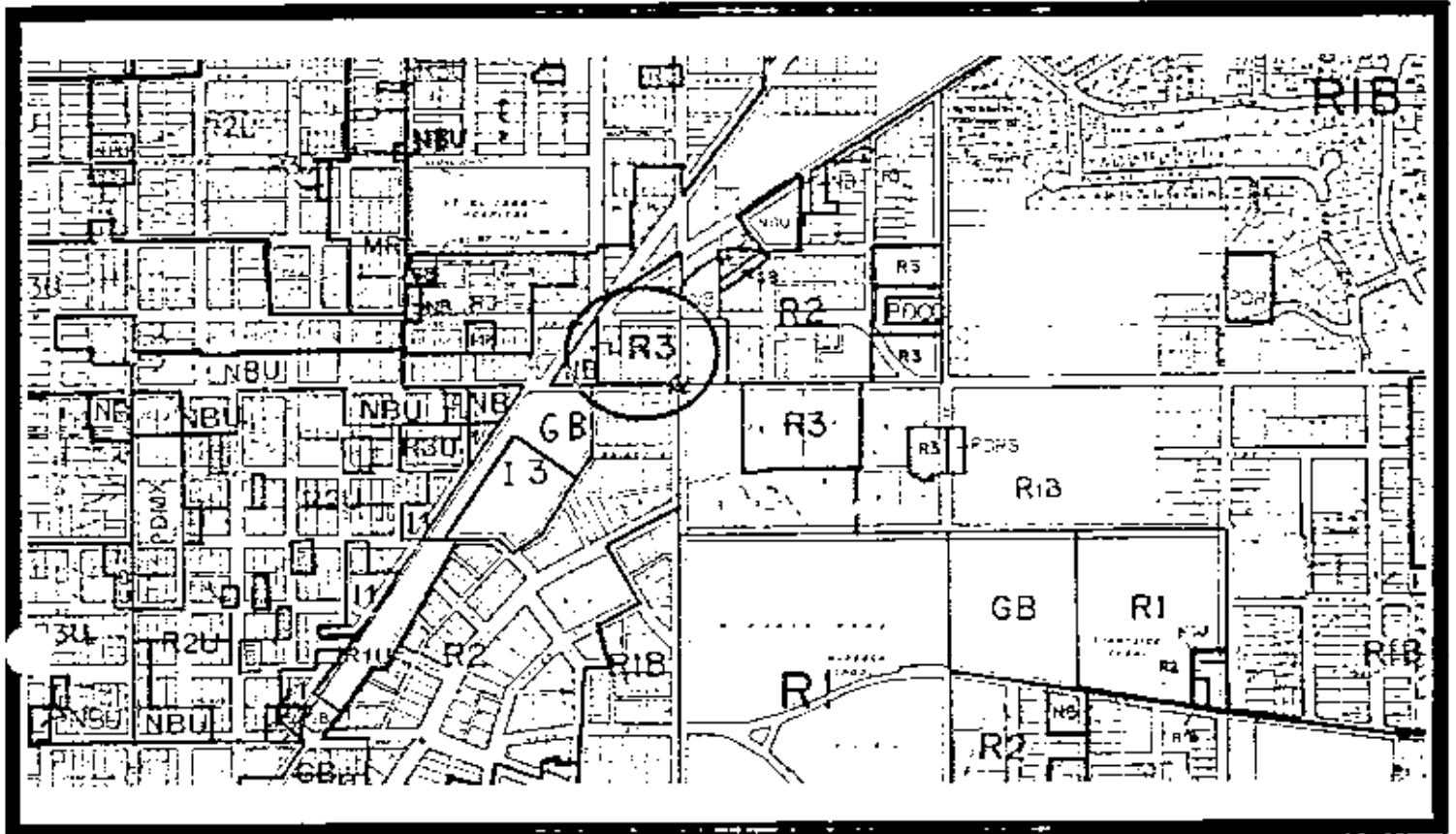
**Z-2405  
GB INDIANA 2, LLC  
CVS PLANNED DEVELOPMENT  
R3 TO PDNR**

**STAFF REPORT  
June 11, 2009**

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Z-2405  
GB INDIANA 2 LLC  
(R3 TO PDNR)



Staff Report  
June 11, 2009

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**REQUEST MADE, PROPOSED USE, LOCATION:**

With the consent of the owners, the petitioner, GB Indiana 2, LLC (Bryan T. Foxworthy), is requesting rezoning from R3 to PDNR on an approximately 2 acre site made of lots 1-14 (lots 15 and 16 are to remain) of the Pampells Addition to allow construction of a 12,900 square foot CVS Pharmacy retail building with a 70-space surface parking lot. The property is located on a block bounded by Salem Street, Union Street, 17th Street and 18th Street in Lafayette, Fairfield 21(NW) 23-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This site is zoned R3 (Residential). R3 zoning is also located to the north and east. R2 (Residential) zoning is located to the south while NB (Neighborhood Business) zoning is located to the west. Mixed density residential zoning (R1, R1B, R2, R2U, R3 and R3U) represents the majority of the zoning in the neighborhoods that surround this site.

Land to the south, part of the Perrin Avenue Neighborhood petition Z-757, was down-zoned from R3 to R2 in 1976. NB zoning at the northeast corner of the Salem/18th intersection was rezoned from R3 to LB in 1979 (Z-947); later becoming NB with the 1998 adoption of NUZO. Land east of 18th between Union and Salem, was rezoned from R2 to R3 in 1988 (Z-1329) followed with the special exception for a bank in the R3 district (BZA-815). Land southwest at Union and Erie was rezoned from I3 to GB (Z-1767) to permit the expansion of an existing business.

A portion of the lots in this case, lots 4-13 on the east half of the block, were the subject of an unsuccessful attempt to rezone from R3 to NB (Z-1791) for a CVS Pharmacy in July 1998. Subsequent attempts to rezone for the CVS (Z-2330 in April, 2007 and Z-2342 in July, 2007) were also unsuccessful.

**AREA LAND USE PATTERNS:**

Single family homes, converted multi-family homes and vacant residential lots currently exist on the Petitioner's site. East of the site is Huntington Bank and north of the site contains multi-family commercial apartments. West of the site is the Union Federal Savings Bank (closed) and beyond Erie Street is PEFCU and Fire Station #12. Northwest of the site is St. Elizabeth Hospital, southwest of the site is an office building and directly south of the site are single family homes in character with the existing homes on the site.

**TRAFFIC AND TRANSPORTATION:**

Streets surrounding this site are heavily traveled. Union, Salem and 18th Streets are all classified in the County *Thoroughfare Plan* as primary arterials requiring 60' building



setbacks, 17th is a local road with a building setback of 25'. With the vacation of the existing alley (except for the portion serving existing lots 15 and 16) the two vehicular access points to the proposed site is off of both Salem and Union streets via left-in/left-out entrances (due to the fact that both streets are one-way). Service and delivery vehicles will access the site via a proposed entrance off of 17<sup>th</sup> Street and exit the site via the access point on Union Street.

The prescription drive through pick-up window has more direct access from the Salem Street entrance but can be accessed from any of the street entrances due to the internal parking lot drive lanes. Sufficient pavement markings and directional signage will be provided to guide access to the window.

A pedestrian way through the parking lot has been included in the plan, providing pedestrians with a more direct path to the single customer entrance of the building from the corner of Salem and 18<sup>th</sup> streets.

#### **ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

- Public utilities serve the site.
- A storm water detention facility is being provided in the southwest corner of the property.
- A total of 25,222 square feet of greenspace (or 29% of the site) is being provided.
- The perimeter parking spaces (approximately 32 spaces) along Salem Street and 18<sup>th</sup> Street will be improved with pervious concrete.

#### **STAFF COMMENTS:**

The applicant's site sits in the middle of the Union/Salem corridor, an area studied in 1989 following a successful rezoning and subsequent special exception for the bank across 18th from the site. The study, which resulted in the adoption in 1989 by both the APC and City Council, the document entitled: *An Amendment to the Adopted Land Use Plan to Guide Future Development within the Union/Salem Corridor*, called for no commercial expansion in the future along either side of 18th Street moving south from Elmwood. In the nearly twenty years that have followed the 1989 corridor amendment many changes have taken place in the area surrounding the block that now lend support to this rezoning application. Changes in recent years include:

- New PayLess in former Menards building on Greenbush.
- Retention of medical presence at St. Elizabeth Hospital site.
- Loss of businesses at Market Square.
- Gas explosion and destruction of four houses and five affordable units on the subject property.

These changes represent a shift in the development trends in this area: Commercial uses are leaving the Market Square shopping center for new sites and homes which were destroyed by the gas explosion and fire have not been rebuilt. The subject property is surrounded on multiple sides by non-residential uses and the presence of these uses, combined with the lack of residential investment on the subject property, has only increased commercial development pressures, as evidenced by the multiple commercial rezone attempts by CVS.

City and APC staffs have made site and building design recommendations and suggestions, to maintain the surrounding urban context and style, and the applicant has responded with a project that is more in keeping with an urban setting. Though the proposal retains its accommodations for the automobile, they have been tempered by less parking and increased landscaped greenspace (as compared to previous submissions), architectural treatments (including GB standard signage) more sensitive to an urban environment and improved pedestrian connectivity through the site and to the perimeter sidewalks. Furthermore, the proposal maintains the alley access for the two remaining residential lots and provides additional landscaping and screening to serve as a buffer between the residential uses to remain and the proposed CVS.

These factors, combined with the development trends in the vicinity, all contribute to the support of this transition of a residential use to a commercial use and the support of this proposal. Staff recommends approval.

**STAFF RECOMMENDATION:**

Approval, contingent on meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate surety submitted with final detailed plans;
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GENERAL LAMONGAN PLANTING METHOD

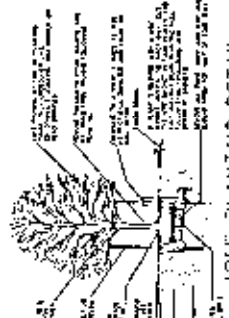
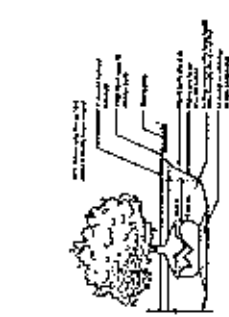
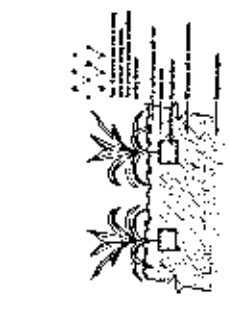
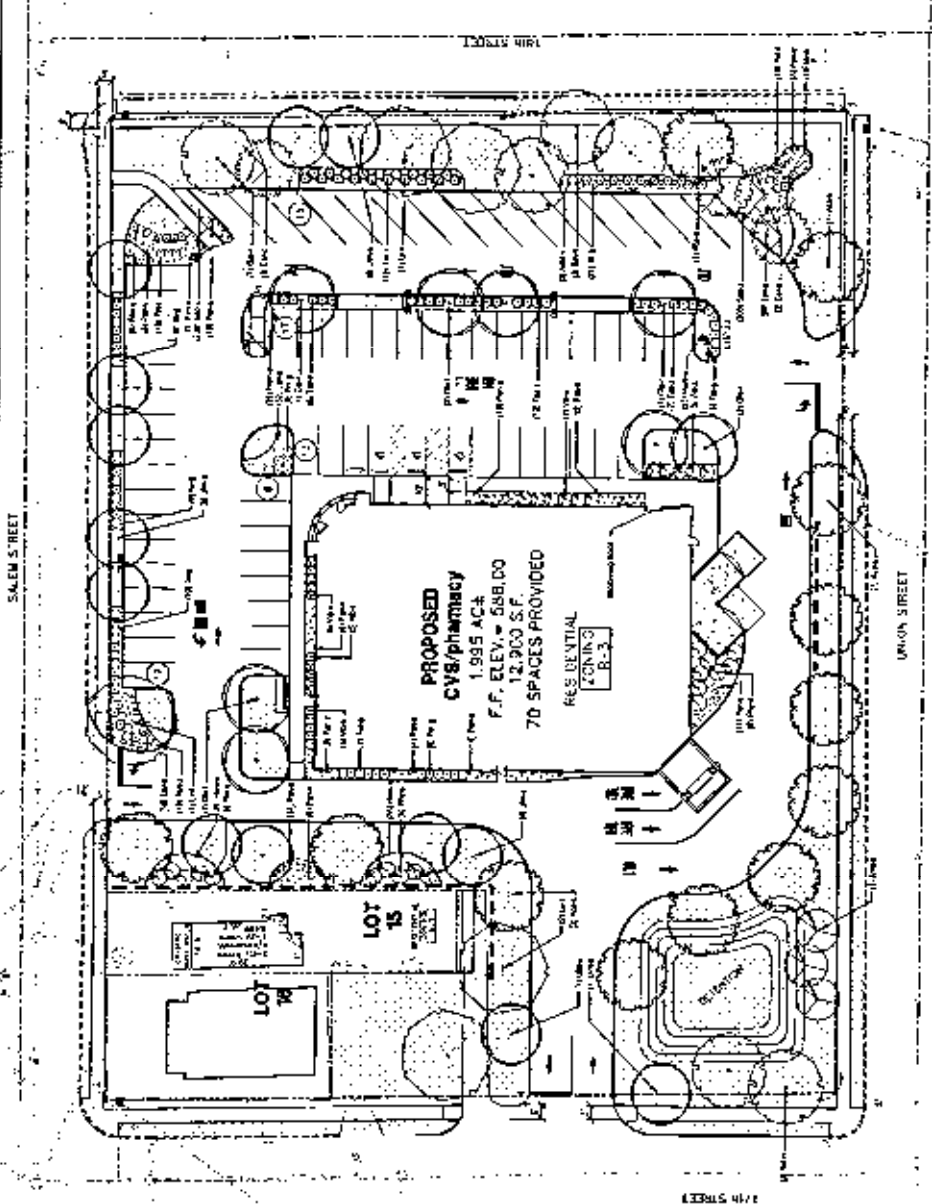
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The following are some examples of the types of work that we do:

- **Design and Development:** We design and develop new products and services, from concept to completion.
- **Manufacturing:** We manufacture products and services, from raw materials to finished goods.
- **Marketing and Sales:** We market and sell our products and services, from prospecting to closing.
- **Customer Support:** We provide customer support and service, from inquiry to resolution.
- **Finance and Accounting:** We manage the financial and accounting aspects of our business, from budgeting to reporting.
- **Human Resources:** We manage the human resources of our business, from recruitment to training.
- **Information Technology:** We manage the information technology of our business, from hardware to software.
- **Legal and Compliance:** We manage the legal and compliance aspects of our business, from contracts to regulations.
- **Operations:** We manage the operations of our business, from logistics to production.
- **Research and Development:** We conduct research and development to create new products and services.
- **Supply Chain Management:** We manage the supply chain of our business, from sourcing to distribution.
- **Quality Control:** We ensure the quality of our products and services, from inspection to testing.
- **Project Management:** We manage projects from start to finish, from planning to execution.
- **Business Development:** We develop new business opportunities, from prospecting to negotiation.
- **Customer Relationship Management:** We manage the relationship with our customers, from acquisition to retention.
- **Product Management:** We manage the product lifecycle, from development to launch.
- **Brand Management:** We manage the brand of our business, from identity to reputation.
- **Public Relations:** We manage the public relations of our business, from media to community.
- **Environmental, Social, and Governance (ESG):** We manage the ESG aspects of our business, from sustainability to social responsibility.
- **Health, Safety, and Environment (HSE):** We manage the HSE aspects of our business, from safety to environmental protection.
- **Information Security:** We manage the information security of our business, from data protection to cyber security.
- **Business Continuity:** We manage the business continuity of our business, from disaster recovery to crisis management.
- **Compliance:** We ensure compliance with applicable laws and regulations, from internal controls to external audits.
- **Corporate Governance:** We manage the corporate governance of our business, from board of directors to shareholders.
- **Stakeholder Engagement:** We engage with our stakeholders, from employees to investors.
- **Strategic Planning:** We develop and implement the strategic plan of our business, from vision to mission.
- **Performance Management:** We manage the performance of our business, from KPIs to metrics.
- **Change Management:** We manage the change in our business, from process to people.
- **Organizational Development:** We develop the organizational structure of our business, from hierarchy to culture.
- **Leadership Development:** We develop the leadership skills of our business, from coaching to mentoring.
- **Team Building:** We build the team of our business, from recruitment to training.
- **Communication:** We manage the communication of our business, from internal to external.
- **Collaboration:** We collaborate with our partners, from joint ventures to alliances.
- **Innovation:** We drive innovation in our business, from research to development.
- **Disruption:** We disrupt the market of our business, from competition to differentiation.
- **Transformation:** We transform our business, from traditional to digital.
- **Optimization:** We optimize the performance of our business, from efficiency to effectiveness.
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- **Integrity:** We ensure the integrity of our business, from honesty to trust.
- **Accountability:**



Page 1 of 1

2  
SUNLO PLANTED  
RIGHT FOR SEASON

⑤ 注意：在计算过程中，如果分母出现负数，应将其变为正数，并相应地调整分子的符号。

LEBENS 46/2 E



Figure 2

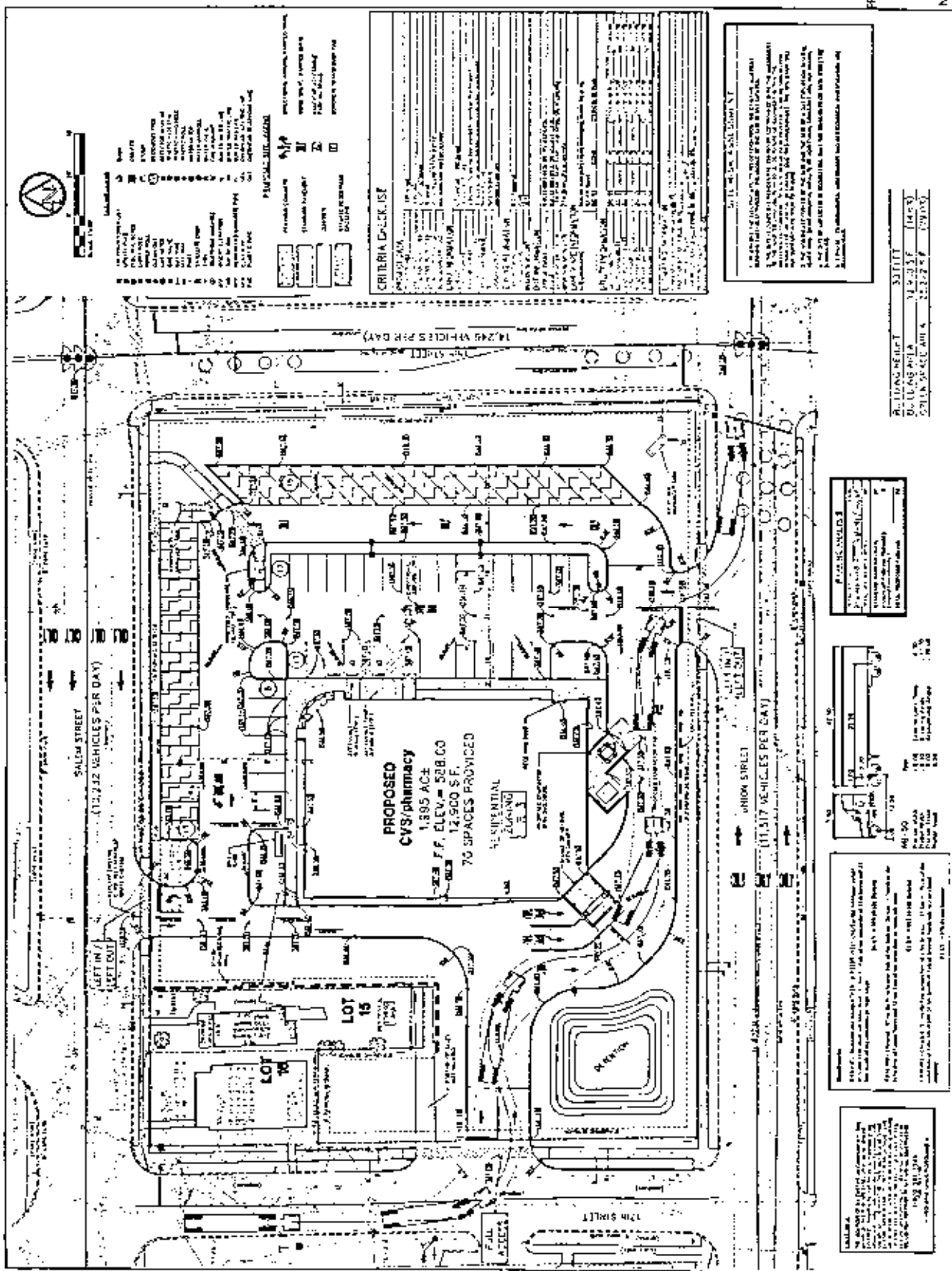
**CVS/**  
**pharmacy**

STORE ADDRESS: 00427  
16704 STREET 4 SULEIM STREET  
LOS ANGELES, CALIFORNIA

DAVE MILLER:  
 208 Indiana 2 LLC  
 4002 East 64th St, Suite 100  
 Indianapolis, Indiana 46240  
 Phone: (317) 574-1333  
 Fax: (317) 574-7246  
 Contact: C. Mike Lee

[illegible]

DRAWING - 3  
PROPOSED SITE PLAN - TRUCK  
EX-3  
NOT FOR CONSTRUCTION

[illegible]

No.	DATE	NAME	ADDRESS	CITY	STATE	ZIP
1	10/1/78	JOHN DOE	123 MAIN ST	ANYTOWN	CA	90210
2	10/2/78	JANE DOE	456 MAIN ST	ANYTOWN	CA	90210
3	10/3/78	JOHN DOE	789 MAIN ST	ANYTOWN	CA	90210
4	10/4/78	JANE DOE	101 MAIN ST	ANYTOWN	CA	90210
5	10/5/78	JOHN DOE	202 MAIN ST	ANYTOWN	CA	90210
6	10/6/78	JANE DOE	303 MAIN ST	ANYTOWN	CA	90210
7	10/7/78	JOHN DOE	404 MAIN ST	ANYTOWN	CA	90210
8	10/8/78	JANE DOE	505 MAIN ST	ANYTOWN	CA	90210
9	10/9/78	JOHN DOE	606 MAIN ST	ANYTOWN	CA	90210
10	10/10/78	JANE DOE	707 MAIN ST	ANYTOWN	CA	90210
11	10/11/78	JOHN DOE	808 MAIN ST	ANYTOWN	CA	90210
12	10/12/78	JANE DOE	909 MAIN ST	ANYTOWN	CA	90210
13	10/13/78	JOHN DOE	1010 MAIN ST	ANYTOWN	CA	90210
14	10/14/78	JANE DOE	1111 MAIN ST	ANYTOWN	CA	90210
15	10/15/78	JOHN DOE	1212 MAIN ST	ANYTOWN	CA	90210
16	10/16/78	JANE DOE	1313 MAIN ST	ANYTOWN	CA	90210
17	10/17/78	JOHN DOE	1414 MAIN ST	ANYTOWN	CA	90210
18	10/18/78	JANE DOE	1515 MAIN ST	ANYTOWN	CA	90210
19	10/19/78	JOHN DOE	1616 MAIN ST	ANYTOWN	CA	90210
20	10/20/78	JANE DOE	1717 MAIN ST	ANYTOWN	CA	90210
21	10/21/78	JOHN DOE	1818 MAIN ST	ANYTOWN	CA	90210
22	10/22/78	JANE DOE	1919 MAIN ST	ANYTOWN	CA	90210
23	10/23/78	JOHN DOE	2020 MAIN ST	ANYTOWN	CA	90210
24	10/24/78	JANE DOE	2121 MAIN ST	ANYTOWN	CA	90210
25	10/25/78	JOHN DOE	2222 MAIN ST	ANYTOWN	CA	90210
26	10/26/78	JANE DOE	2323 MAIN ST	ANYTOWN	CA	90210
27	10/27/78	JOHN DOE	2424 MAIN ST	ANYTOWN	CA	90210
28	10/28/78	JANE DOE	2525 MAIN ST	ANYTOWN	CA	90210
29	10/29/78	JOHN DOE	2626 MAIN ST	ANYTOWN	CA	90210
30	10/30/78	JANE DOE	2727 MAIN ST	ANYTOWN	CA	90210
31	10/31/78	JOHN DOE	2828 MAIN ST	ANYTOWN	CA	90210
32	10/32/78	JANE DOE	2929 MAIN ST	ANYTOWN	CA	90210
33	10/33/78	JOHN DOE	3030 MAIN ST	ANYTOWN	CA	90210
34	10/34/78	JANE DOE	3131 MAIN ST	ANYTOWN	CA	90210
35	10/35/78	JOHN DOE	3232 MAIN ST	ANYTOWN	CA	90210
36	10/36/78	JANE DOE	3333 MAIN ST	ANYTOWN	CA	90210
37	10/37/78	JOHN DOE	3434 MAIN ST	ANYTOWN	CA	90210
38	10/38/78	JANE DOE	3535 MAIN ST	ANYTOWN	CA	90210
39	10/39/78	JOHN DOE	3636 MAIN ST	ANYTOWN	CA	90210
40	10/40/78	JANE DOE	3737 MAIN ST	ANYTOWN	CA	90210
41	10/41/78	JOHN DOE	3838 MAIN ST	ANYTOWN	CA	90210
42	10/42/78	JANE DOE	3939 MAIN ST	ANYTOWN	CA	90210
43	10/43/78	JOHN DOE	4040 MAIN ST	ANYTOWN	CA	90210
44	10/44/78	JANE DOE	4141 MAIN ST	ANYTOWN	CA	90210
45	10/45/78	JOHN DOE	4242 MAIN ST	ANYTOWN	CA	90210
46	10/46/78	JANE DOE	4343 MAIN ST	ANYTOWN	CA	90210
47	10/47/78	JOHN DOE	4444 MAIN ST	ANYTOWN	CA	90210
48	10/48/78	JANE DOE	4545 MAIN ST	ANYTOWN	CA	90210
49	10/49/78	JOHN DOE	4646 MAIN ST	ANYTOWN	CA	90210
50	10/50/78	JANE DOE	4747 MAIN ST	ANYTOWN	CA	90210
51	10/51/78	JOHN DOE	4848 MAIN ST	ANYTOWN	CA	90210
52	10/52/78	JANE DOE	4949 MAIN ST	ANYTOWN	CA	90210
53	10/53/78	JOHN DOE	5050 MAIN ST	ANYTOWN	CA	90210
54						

E	10 <sup>10</sup>
G	10 <sup>9</sup>
ν	0.33

[illegible][illegible]

